

REMARKS

Reconsideration and allowance of the application are respectfully requested.

In the Office Action of June 10, 2004, claims 1-41 were pending in the application. Claims 4-8, 15, 18, 26-29 and 37 were withdrawn from consideration as being directed to a non-elected species. Claims 1, 13, 16, 23, 24, 36, 38 and 41 were rejected under 35 U.S.C. §102(b). Claims 1-3, 9, 11-14, 17, 19, 20, 22, 30 and 39 were rejected under 35 U.S.C. §103(a). Claims 31-35 were allowed. Claims 10, 21, 25 and 40 were indicated as allowable but were objected to as being dependent upon a rejected base claim. Claims 2, 3, 9, 10, 16-22, 24 and 25 have been cancelled. The restriction requirement and the claim rejections are believed to be moot in view of the attempts herein to place the application in condition for allowance.

First of all, Applicants affirm the election of the species of Figures 1-8 during the telephone conversation with the Examiner on June 2, 2004.

Secondly, the drawings were objected to because of the lack of reference numerals 84, 86 and 88 to arrows referred to on page 10 of the Specification. A copy of Figures 15C and 15D of the drawings is attached hereto with the referenced arrows in red. This change will be made to the final formal drawings, upon acceptance by the Examiner.

Turning to the claims, allowable dependent claim 10 has been rewritten in independent form as new claim 42 including all of the limitations of base claim 1. Therefore, it is believed that claim 42 is allowable.

Allowable dependent claim 21 has been rewritten in independent form as new claim 43, incorporating the limitations of its base claims, with one exception. The subject matter of claim 20 stating that the shoulder extends at an angle has not been included in new claim 43. It is respectfully submitted that the lost motion means which the Examiner has indicated as being allowable is patentable whether or not the shoulder extends at any angle. Therefore, the angled shoulder has been incorporated in a new dependent claim 44. It is believed that new claims 43 and 44 clearly are patentable.

The subject matter of dependent claim 24 and allowable dependent claim 25 have been incorporated into independent claim 23. It is believed that claim 23 now is allowable. Dependent claims 26-30 have been amended to depend from allowable independent claim 23. Therefore, it is believed that claims 23 and dependent claims 26-30 are patentable subcombinations of the allowed/allowable claim 23.

The subject matter of allowable dependent claim 40 has been incorporated into independent claim 36 and including the subject matter of claim 38. Again, the recitations of dependent claim 39 that the shoulder extends at an angle, has not been incorporated in the independent claim for the reasons set forth above. However, dependent claim 39 has been amended to

depend from claim 36. Therefore, it is believed that claims 36, 39 and 41 are now allowable.

In summation, the allowable subject matter of claims 10, 21, 25 and 40 now appear in the application as amended claims 23, 26-30, 36, 39 and 41, along with new claims 42-44. It is believed that these claims now are allowable along with previously allowed claims 31-35.

That leaves amended independent claim 1 (along with dependent claims 4-8 and 11-15) at issue. Specifically, independent claim 1 has been amended to incorporate the subject matter of dependent claims 2 and 3 which call for a hand guard extending upwardly from the head end of the frame toward the second handle to protect an operator's hand while grasping the second handle, with the hand guard having a narrow distal end for discouraging an operator from grasping the hand guard instead of the second handle. The Examiner already has allowed dependent claim 25 (now amended independent claim 23) which calls for the hand guard to be generally triangular to present a narrow distal end for discouraging an operator from grasping the hand guard instead of the second handle. It is respectfully submitted that Applicants are entitled to the scope of protection set forth in amended independent claim 1 which simply removes the limitation of the hand guard having to be triangular as in the allowed claim. Other configurations are contemplated to present the narrow distal end as is presented by a triangular configuration,

to discourage mishandling of the grill scraper. This inventive concept is not shown in nor remotely suggested by any of the prior art cited by the Examiner.

In view of the foregoing, reconsideration of the application, allowance of claims 1, 4-8, 11-15, 23, 26-30, 36, 39 and 41-44, along with previously allowed claims 31-35, and passing the application to issue are respectfully requested.

Respectfully submitted,

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Sept. 4, 2004

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